

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12253JLA

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STEVEN MCDERMOTT and  
STACEY MCDERMOTT,  
Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEMS, INC.,  
T.S. PRUITT, ALLEGIANCE HEALTH CARE  
INC., D. PONCE, E.W. WYLIE CORPORATION,  
D.W. SMITH, ARSENBURGER TRUCKING  
INC. J.T. FOSBRINK, RYDER TRUCK RENTAL,  
LORRAINE ODZANA as ADMINISTRATRIX  
OF THE ESTATE OF JAMES J. ODZANA,  
SHORELINE TRANSPORTATION, INC.,  
JACYLYN PALETTA as ADMINSTRATRIX  
OF THE ESTATE OF MARIO J. CASTRO,  
Defendants.

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DEFENDANT, JACLYN PALETTA AS ADMINISTRATRIX OF THE ESTATE OF MARIO  
J. CASTRO'S, MOTION FOR LEAVE TO FILE A REPLY BRIEF IN RESPONSE TO D.W.  
SMITH AND E.W. WYLIE'S OPPOSITION TO CO-DEFENDANTS' MOTIONS FOR  
SEPARATE AND FINAL JUDGMENT

Pursuant to Local Rule 7.1(B)(3), the Defendant, Jaclyn Paletta, as Administratrix of the Estate of Mario J. Castro (hereinafter "Ms. Paletta"), respectfully requests leave of this Court to file a reply brief to respond to the opposition filed by the Defendants, D.W. Smith and E.W. Wylie (hereinafter "Smith and Wylie") to her motion for entry of separate and final judgment.

Ms. Paletta seeks leave to reply to Smith and Wylie's arguments that entry of separate and final judgment is not appropriate where they claim to reserve their right to file a contribution action in the Commonwealth of Pennsylvania. Notwithstanding the fact that their opposition is

not timely filed, their argument was unanticipated and warrants a response if not disregarded for late filing.

Ms. Paletta submits that a reply brief will assist the court and the parties by allowing full and fair consideration of the issues presented.

WHEREFORE, Ms. Paletta respectfully moves that this Honorable Court enter an order granting her leave to file the attached reply brief in response to Smith and Wylie's opposition to her motion for entry of separate and final judgment.

Respectfully Submitted,  
JACLYN PALETTA as  
ADMINISTRATRIX of the  
ESTATE OF MARIO J. CASTRO,  
By her attorney,

/s/

Dated: November 7, 2007

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James S. Franchek (BBO #177030)  
Adam M. Berkowitz (BBO #648172)  
Franchek Law, LLC  
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CERTIFICATE OF RULE 7.1 CONFERENCE AND OF SERVICE

I, Adam M. Berkowitz, Esq., hereby certify that prior to filing the above motion I attempted to confer with counsel for D.W. Smith and E.W. Wylie, concerning its subject matter in a good faith attempt to resolve or narrow the issues presented. The undersigned further certifies that on November 7, 2007 this document is being filed through the ECF system and, accordingly, is being sent electronically to the registered participants as identified on the Notice of Electronic Filing and a paper copy will be sent to any party indicated as a non-registered participant

/s/

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Adam M. Berkowitz

